



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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JUN 10 2016

Nicholas & Angelina Bright  
16209 Grant Creek Road  
Arlington, WA 98223

**Re: APPROVED Seasonal Change Authorization for Surface Water Certificate  
(SWC) 3762, Snohomish County, Water Resources Inventory Area 5**

Dear Mr. & Mrs. Bright:

The Department of Ecology (Ecology) received your application for a seasonal change of Surface Water Certificate (SWC) 3762 on May 27, 2016. Your application has been assigned control number CS1-\*07665C@1. Please refer to this number when corresponding with us about this seasonal change request.

BACKGROUND INFORMATION

The above-referenced certificate authorizes the diversion of 0.2 cubic feet per second (cfs) from Unnamed Stream for the irrigation of 20 acres. This certificate was issued to C.D. Hillis & Sons with a priority date of March 6, 1947. The authorized place of use is Snohomish County Gov. lot 3, located within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 32 North, Range 6 East. The authorized point of diversion is within SW $\frac{1}{4}$  SW $\frac{1}{4}$  the of Section 11, Township 32 North, Range 6 East.

SWC 3762 is currently owned by Nicholas & Angelina Bright of Arlington, Washington. SWC 3762 is also waiting for processing under Water Right Change Application CS1-\*07665C. The place of use and number of irrigated acres will not change. The point of diversion will change from parcel 32061100300400 in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  the of Section 11, Township 32 North, Range 6 East to a point of withdrawal in parcel 32061100300300 NW $\frac{1}{4}$  SW $\frac{1}{4}$  the of Section 11, Township 32 North, Range 6 East.

This request is to change the point of diversion to a point of withdrawal within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 32 North, Range 6 East. The point of withdrawal is in close proximity to the existing point of diversion, is within the same legal description as the original point of diversion, and is within the same sub-basin as the original point of diversion. Therefore, it is within the same source of supply. The change from surface water to ground water is being done in conjunction with stream restoration for salmon habitat.



There are no intervening rights between the original point of diversion and the proposed additional point of withdrawal, so there will be no impairment of existing water users.  
DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a seasonal change in the point diversion to a point of withdrawal for the 2016 irrigation season is hereby **APPROVED** under the terms and conditions listed below.

- You are authorized to irrigate no more than 20 acres total within the SW¼ SW¼ of Section 11, Township 32 North, Range 6 East.
- This seasonal change does not authorize an enlargement of water use or total irrigated acres as described in SWC 3762. Irrigation of any lands removed from irrigation within the original place of use will constitute an enlargement of the right and will result in immediate cancellation of this authorization.
- The authorized instantaneous rate cannot be exceeded at any time. The total rate of pumping from the well shall not exceed 90 gallons per minute (0.2 cfs).
- An approved measuring device shall be installed and maintained on the authorized point of withdrawal in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. In order to ensure compliance with the terms of this authorization, water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.
- WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- This seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no enlargement of the rate of water use or the number of irrigated acres, this seasonal change authorization should have no greater impact on tribal rights than the original authorization.
- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights or is being used illegally, then this authorization will be immediately canceled.
- This seasonal change shall be in effect through October 1, 2016 (unless canceled sooner); at which time the subject right will revert back to the original attributes described in SWC 3762.

- Violation of any of the terms and conditions of this seasonal change will result in this authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.
- The Department of Ecology may field verify this seasonal change at any time for compliance with the terms and conditions of this authorization.
- All conditions and provisions in the original water right must be complied with.
- **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**

If you have any questions or concerns regarding this authorization, please contact Jerry Liszak at (425) 649-7013 or [jerry.liszak@ecy.wa.gov](mailto:jerry.liszak@ecy.wa.gov).

#### OPPORTUNITY TO APPEAL

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

#### **To appeal, you must do the following within 30 days of the date of receipt of this document:**

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

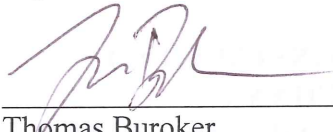


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*For additional information visit the Environmental Hearings Office  
Website: <http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>*

Signed at Bellevue, Washington, this 10<sup>th</sup> day of June, 2016.



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Thomas Buroker  
Section Manager  
Water Resources Program

tb:jl:mc

Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0106 7179 22